

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 26 2004. Claims 1-23 were pending in the Application. In the Office Action, Claims 1-23 were rejected. Claims 1-23 remain pending in the Application.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-23 are rejected under 35 U.S.C. 102(e). Applicant thanks the Examiner for the telephone conference held on January 31, 2005, in which Applicant inquired as to an apparent inconsistency between the reference cited under section 3, page 2, of the Office Action (U.S. Patent Publication 2003/0120719 issued to Yepishin et al.) and the reference cited in the Examiner's form PTO-892 list of references (U.S. Patent Publication 2003/0080994 issued to Yepishin et al.). The Examiner confirmed in the telephone conference that the reference cited under section 3, page 2, of the Office Action is in error, and that the rejection of Claims 1-23 under 35 U.S.C. 102(e) is based on U.S. Patent Publication 2003/0080994 issued to Yepishin et al. (hereinafter "*Yepishin*"). Accordingly, Applicant responds to such rejection based on such Examiner's statement and respectfully traverses this rejection.

Applicant respectfully submits that Claims 1-23 of the present Application are patentable over *Yepishin*. However, Applicant has elected not to address the patentability of Claims 1-23 over *Yepishin* and instead submits that *Yepishin* does not qualify as prior art under Section 102(e) and, therefore, no *prima facie* rejection has been made. By making this choice, Applicant does not admit the accuracy of the Examiner's remarks or reasoning or acquiescing in any way to the reasoning underlying the rejection.

Applicant conceived of the invention prior to August 28, 2001, the effective date of *Yepishin*. In support thereof, Applicant submits the accompanying Declaration of Peggy T. Oyama under 37 C.F.R. § 1.131, the exhibit of which evidences the conception of the invention prior to the effective date of *Yepishin*.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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